

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DTEX, LLC, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-06-0188
§
BBVA BANCOMER, S.A., *et al.*, §
§
Defendants. §

ORDER

On February 4, 2006, this court agreed to the parties' stipulation to extend the time for filing a sur-reply (by Dtex to Bancomer's Reply Memorandum and Objection filed on January 3, 2007) and a sur-response (by Bancomer) if deemed necessary. To clarify the February 4, 2006, order, any sur-reply filed by Dtex is to be limited to ten pages. No affidavits or additional evidence may be submitted. Any sur-response is limited to five pages, with the same restrictions. No extensions or further motions or additional pages will be permitted.

The pending dispositive motion is the defendant's third amended motion to dismiss. (Docket Entry No. 45). The earlier motions to dismiss, Docket Entry Nos. 8, 34, and 38, have been superseded by amended motions to dismiss and are moot. To the extent that the third amended motion to dismiss alternatively sought a stay pending the decision of the United States Court of Appeals for the Fourth Circuit on the dismissal of a related case filed in South Carolina federal district court, that motion is also denied as moot. The court of

appeals has issued an appeal affirming the dismissal for lack of personal jurisdiction over the defendant in South Carolina, an issue not present in this case.

SIGNED on February 8, 2007, at Houston, Texas.



Lee H. Rosenthal
United States District Judge